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EX PARTE OR LATE FILED

April 29, 1998

EX PARTE

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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APR 29 1998

Federal Communications Commission  
Office of Secretary

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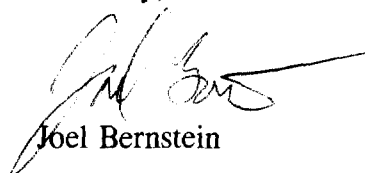
Re: GN Docket No. 96-115

In the matter of Implementation of the  
Telecommunications Act of 1996  
Telecommunications Carriers' Use of  
Customer Proprietary Network Information and  
Other Customer Information

Dear Ms. Salas:

This letter provides information requested by the FCC Common Carrier Bureau staff subsequent to YPPA's meeting with the staff on March 18. Specifically, the staff requested information on tariffed rates for subscriber listing information. Attached is the Pacific Bell California tariff for subscriber listing information.

Sincerely,

  
Joel Bernstein

Attachments

cc: David Konuch

0+2

APR 29 1998

Pacific Bell  
San Francisco, California

Federal Communications Commission  
Office of Secretary  
SCHEDULE CAL. P.U.C. NO.  
5th Revised Sheet  
Cancels 4th Revised Sheet

NETWORK AND EXCHANGE SERVICES  
AS. EXCHANGE SERVICES

ADVANCE COPY

5.7 DIRECTORY SERVICES (Cont'd)

5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS

A. DESCRIPTION

1. Listings for Directory Publishing

This offering provides a directory publisher access to subscriber list information, as described herein, to reproduce in a telephone directory published in any format listed names, addresses and telephone numbers of Pacific Bell's customers that are or will be published in Pacific Bell's telephone directories. Such reproduction rights do not include names, addresses, telephone numbers, art work, and other materials contained in this Utility's classified "yellow page" directories and directory sections.

(a) In obtaining listings from Pacific Bell, the customer may select listings based on the following parameters:

(i) Geographical selection: Listings may be selected by telephone serving exchange, area codes and prefixes, listed community name, postal ZIP codes, or the coverage of Pacific Bell's white page directory. Combinations of the above parameters are not permitted.

(ii) Type of listing: Listings may also be selected by the type of listings (residential, business or caption listings). (Caption listings are not available for AS.7.4.A.1(c) (xii) listings updates or AS.7.4.A.1(c) (xiii) directory delivery address information data elements.)

(iii) Frequency of directory delivery address information only applicable to data element AS.7.4.A.1(c) (xiii): May only be ordered on a daily or monthly basis.

(b) Media options: The listing information of Pacific Bell's customers may be obtained on the following types of output:

(i) Magnetic tape

(ii) Paper printout

(iii) Magnetic diskettes (3 1/2")

Continued

Pacific Bell  
San Francisco, California

SCHEDULE CAL.P.U.C. NO. 1  
9th Revised Sheet S1  
Cancels 4th Revised Sheet S1

**NETWORK AND EXCHANGE SERVICES**

**A5. EXCHANGE SERVICES**

**5.7 DIRECTORY SERVICES (Cont'd)**

**5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)**

**A. DESCRIPTION (Cont'd)**

**1. Listings for Directory Publishing (Cont'd)**

(c) Data elements: The listing information available under this offering includes the following data elements:

- |        |   |     |
|--------|---|-----|
| (i)    | Activity indicator (not available for non-update orders).<br>(Business listing updates indicate new connects, disconnects, moves and changes. Residence listing updates indicate adds and deletes.) | (T) |
| (ii)   | Listed names  | (T) |
| (iii)  | Listed street address   |     |
| (iv)   | Listed community, fully spelled   | (D) |
| (v)    | Postal ZIP codes (where available, based on the Utility records)  | (T) |
| (vi)   | Listed telephone number   |     |
| (vii)  | Type of listing (business, residence or caption)  |     |
| (viii) | Listing code (Universal Service Order Code) to identify main listings, additional listings  | (T) |
| (ix)   | Date of listing extraction  | (T) |
| (x)    | Other listing related information   | (T) |
|        | - Listing sequence  |     |
|        | - Listing sort name and title   |     |
|        | - Caption sequence records  |     |
|        | - Indent levels for caption records   |     |
|        | - Indicators for capitalization   |     |
| (xi)   | Classified list heading   | (T) |
| (xii)  | Business and residential listing updates (for maintaining a directory publishing database or for directory advertising solicitation use only)   | (T) |
| (xiii) | Directory delivery address information (subscriber service address only for all listings (business or residence), including non-published listings).  | (N) |
| (xiv)  | Service activity date (only available with data element A5.7.4.A.1(c) (xiii)).  | (N) |

(d) Data excluded: Except as provided with directory delivery address information, non-published listings and Directory Assistance Listings will not be provided.

**B. REGULATIONS**

1. The information provided under the terms of this tariff may only be used for the purpose of publishing a telephone directory in any format for general public use and distribution, or for the solicitation of directory advertising.

(a) A telephone directory" is defined as a publication in any medium that facilitates communication with the listed person or business by providing the listed telephone number and/or listed address.

Continued

NETWORK AND EXCHANGE SERVICES

AS. EXCHANGE SERVICES

5.7 DIRECTORY SERVICES (Cont'd)

5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)

B. REGULATIONS (Cont'd)

2. The subscriber to this tariff shall indemnify, hold harmless, and defend the Utility from and against any cost, damage, expense (including but not limited to reasonable attorney's fees and expenses) or liability arising in any manner out of any demand, claim, suit or judgment for damages or injuries however caused, which may arise out of the subscriber's use of the listings provided under this Schedule.
3. The Utility reserves the right to discontinue any of its directories in whole or part, to rearrange or change any such directory in whole or in part or to split or combine one or more of such directories as it deems necessary in the ordinary conduct of its business. A standard format of the listing information may be established by the Utility and provided to the customer. The Utility further reserves the right to modify or discontinue any of the sorting formats offered, upon thirty-days notice given to the customer.
4. The subscriber obtaining listing information under Section 5.7.4.A.1 above shall furnish a copy of any directories containing any listing information furnished hereunder to the Utility within 10 days following publication. The Utility may refuse to furnish reproduction rights henceforth to any subscriber who fails to comply with this provision.
5. The subscriber agrees to accept the listings on an "as-is" basis with all faults, errors and omissions, if any, and the Utility does not warrant the accuracy of the information contained therein. THE UTILITY MAKES NO WARRANTY, EXPRESS OR IMPLIED WITH RESPECT TO ANY LISTINGS OR THE INFORMATION CONTAINED THEREIN, INCLUDING BUT NOT LIMITED TO WARRANTIES FOR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The subscriber agrees to release the Utility from any and all liability for damages which may arise due to any errors and omissions in the Utility's listings.

(T)  
(T)

(D)

Continued

Pacific Bell  
San Francisco, California

SCHEDULE CAL.P.U.C. NO.  
5th Revised Sheet  
Cancels 4th Revised Sheet

NETWORK AND EXCHANGE SERVICES  
AS. EXCHANGE SERVICES

ADVANCE COPY

- 5.7 DIRECTORY SERVICES (Cont'd)  
5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)  
B. REGULATIONS (Cont'd)

6. The listings shall at all times remain the sole property of Pacific Bell. The subscriber is prohibited from selling, renting, or otherwise providing, in the format provided, copies of listings to any other person or corporation including, but not limited to, publisher's customer's affiliates, contractors, employees agents or customers. (T)
7. Base files will contain the most recent listings available in the Utility directory listing data base. (T)
8. For directory publishers obtaining listings under Section 5.7.4.A.1, updates are available for subscriber listings on a daily or monthly basis, and will include indicators for the type of update activity. Business updates will contain activity reflecting newly connected listings, disconnected listings, moves and change listing affecting service activity. Residence updates will include an indicator which identifies update activity as either add or delete. (T)
9. Pacific Bell will not include the listing information of other Utilities (independent telephone companies or competitive local carriers) without the written permission from that Utility. Pacific Bell will provide the publisher with a list identifying all other Utilities that have given written permission to release their subscriber listings. No other rights are granted to the publisher. (N)
10. The directory delivery address information data element (AS.7.4.A.1(c) (xiii)) provides only subscriber service address information for the sole purpose of secondary directory delivery. Only the service address of the subscriber is provided. Address information only associated with non-published subscribers and directory assistance listings is included.
11. The directory delivery address information data element may be ordered in conjunction only with data elements AS.7.4.A.1(c) (iii), AS.7.4.A.1(c) (iv), AS.7.4.A.1(c) (v), AS.7.4.A.1(c) (vii), AS.7.4.A.1(c) (xiv).
12. Publishers obtaining directory delivery information (data element AS.7.4.A.1(c) (xiii)) must hold the information in strict confidence and restrict its use solely for the purpose of delivering the published directory.
13. In compliance with CPUC Decision No. 97-01-042, publishers obtaining directory delivery information (data element AS.7.4.A.1(c) (xiii)) are required to provide a toll-free number printed on the inside first page of the directory which the recipient can call to discontinue further directory deliveries by that recipient. (N)

Material omitted now on Sheet 517.1.

Continued

NETWORK AND EXCHANGE SERVICES  
A5. EXCHANGE SERVICES

5.7 DIRECTORY SERVICES (Cont'd)  
5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)

C. RATES AND CHARGES

1. Advance Payment: The Utility may require the subscriber to make an advance payment of the estimated charges at the time the order is taken. The Utility shall refund or bill, as appropriate, any difference between the estimated amount collected and the charge. (L)
2. Order Cancellation or Change:
  - a. If the subscriber cancels the order prior to the date the Utility is scheduled to provide the listings and the Utility has performed any work or incurred any expense in connection therewith, the Utility will charge the estimated cost incurred not to exceed the estimated charge for the order.
  - b. If the subscriber cancels the order on or after the date the Utility is scheduled to provide the listings, all charges shall apply. (L)
  - c. When a subscriber requests changes or modification to a pending order, acceptance of changes/modification will be determined by the Utility on an individual case basis. An additional charge may be applicable.
3. Late Payment: Bills shall be considered past due (delinquent) if not paid within 30 calendar days after date of presentation. Late payment charges, as provided for in Schedule Cal.P.U.C. No. A2.1.9 shall thereafter apply. The three month limitation to back bill as set forth in Schedule Cal.P.U.C. No. A2.1.9 for exchange services, because of the complexities involved, is not applicable.
4. Computations of Rates and Charges:
  - a. The Utility shall count all listings provided to the subscriber, whether or not the subscriber actually reproduces such listings in its directory.
  - b. For purposes of this Schedule, each name, address and telephone number of a listed party shall be counted as one listing. If additional lines of information appear, each such line shall be counted as a separate additional listing. Where additional information appears as a part of a listed party's name or address the Utility at its option may count same as two listings.

(L) Formerly on sheet 517.

Continued

San Francisco, California

SCHEDULE CAL.P.U.C. NO.  
2nd Revised Sheet 5:  
Cancels 1st Revised Sheet 5:

NETWORK AND EXCHANGE SERVICES  
AS. EXCHANGE SERVICES

- 5.7 DIRECTORY SERVICES (Cont'd)  
5.7.4 TELEPHONE DIRECTORY REPRODUCTION RIGHTS (Cont'd)  
C. RATES AND CHARGES (Cont'd)

5. Rates for Listing Options

a. For Directory Publishers (under Section 5.7.4.A.1):

(1) Per listing charge:

(a) Basfile	\$100.00 per 1000 listings	(T)
(b) Listing updates or delivery information (daily & monthly)	\$100.00 per 1000 listings	(T) (N) (T)

Continued